

DELIBERATIVE PROCESS—DO NOT CITE OR SHARE
Bristol Bay Watershed Assessment
Comment Period Decision Communications Plan
DRAFT—FOR INTERNAL USE ONLY

July 5, 2012

Contact:

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Summary

EPA received a number of requests to extend the 60-day comment period associated with the Bristol Bay Watershed Assessment and a number of requests that the agency not extend the comment period. Having considered all the requests, EPA has made a decision not to extend the 60-day comment period.

EPA intends to announce its decision on Thursday July 5th with concurrent outreach to requesters and stakeholders explaining the decision.

Our response to the media will be to give inquiring reporters the desk statement and share a copy of the generic letter if asked.

Desk Statement

EPA today announced that the agency will maintain the previously announced comment deadline of July 23, 2012, for the draft Bristol Bay watershed assessment. The sixty-day comment period announced with the proposal is consistent with the length of time the Agency has historically provided for complex scientific assessments of comparable scope and detail.

In addition to undergoing the important public comment process, the draft assessment will be evaluated by an independent peer review panel of scientists. EPA has also conducted extensive outreach to the subsistence and commercial fishing community since the draft assessment was released to ensure they are able to provide comment to help inform any final assessment, along with input from other important stakeholders including the public. In order to ensure that the final assessment is released in a timely fashion, it is imperative that this process move forward on schedule.

Q&A

Why did EPA decide not to extend the comment period?

EPA provided a 60-day comment period for the review of this assessment, and that is consistent with review periods the agency has provided for similarly important scientific reports. This is a scientific assessment—not a regulatory action. Thus, there is no required public comment period.

In addition, a 60-day comment period is more time than is typically provided by the state and the U.S. Army Corps of Engineers for actual permits that would impact the environment.

If EPA were to initiate regulatory actions with regard to Bristol Bay, there would be a comprehensive public engagement process and comment period.

Some tribal corporations say EPA has not met with them nor given them sufficient time to comment. Is that true?

EPA made outreach to tribes, tribal corporations and Bristol Bay residents a priority from day one of the assessment. EPA officials and staff have made over 24 visits to 12 villages since initiating the assessment. Top EPA officials have met with tribes and tribal corporations. These officials include the EPA Administrator's deputy administrator, general counsel, associate administrator for water and EPA regional administrator.

EPA has met with representatives of 17 villages and nine tribal corporations. In some cases, EPA met numerous times with the same tribal corporations and representatives, and we continue to welcome meetings and discussion. Tribal corporations also attended and commented during our recent public meetings in Alaska and Seattle.

A 60-day comment period is consistent with EPA's previous experience for similarly important scientific reports and is in fact longer than the comment periods typically provided by the state and the U.S. Army Corps of Engineers for permits that would actually impact the environment.

There are complaints that the comment period is at an inconvenient time due to fishing season. How do you justify not extending it past the fishing season?

EPA heard from tribes and stakeholders who asked us to extend the comment period and other tribes and stakeholders who asked us to maintain the original 60-day comment period. Many requests to keep the 60-day comment period came from tribes and stakeholders who work in the Bristol Bay fishery.

We carefully weighed the input with regard to the fishing season and concluded that the original comment period gave sufficient time to comment given the fishing season.

EPA's public meetings in June were well-attended by over 2,000 people, including many who practice a subsistence way of life and many in the commercial fishing industry. To date, almost 800 individual letters and 13,000 form letters have been submitted to the public comment docket.

What happens next?

The comment period ends on July 23. At that time, EPA will consolidate the comments and give them to the scientific peer review panel for consideration. The panel will use these public comments as it considers the assessment. This panel will meet August 7-9 in Anchorage, and there will be an

opportunity for the public to directly address the panel and provide information that would expand scientific knowledge of Bristol Bay.

External Communications Calls and Notices Schedule

NOTE: ALL TIMES ARE IN PACIFIC DAYLIGHT TIME

DATE/TIME	CALL OR ACTION	NATURE OF REQUEST	WHO	DONE?
July 5 noon	PDFs of letters sent via email to all requesters. Outreach calls below made concurrently.	N/A	See below	
July 5 AM	Federal Register Notice will be available	N/A	Jeff Frithsen	
July 6 AM	Federal Register Notice for registration to speak at peer review panel published	N/A	Jeff Frithsen	
July 5 noon, call before letter is sent	Pebble Limited Partnership CEO John Shively NUMBER: Business: 907-339-2600 Cell: Ex. 6 PII	Extension	Dennis	
July 5 noon , call before letter is sent	Alaska Attorney General Michael Geraghty NUMBER: 907-269-5100	Extension	Dennis, Bill	
July 5 noon, call before letter is sent	Senator Lisa Murkowski NUMBER: Chief of Staff Edward Hild, DC: 202-224-6665	Extension	Arvin, Dennis, Bill	
July 5 noon, call before letter is sent	Congressman Don Young NUMBER: Washington DC Office: (202) 225-5765	Extension	Arvin	
July 5 noon	Following tribes and tribal entities: <ul style="list-style-type: none"> • South Naknek Tribe • Newhalen Tribal Council (907) 571-1410 • Iliamna Village Council (907) 571-1246 	Extension	Rick	
July 5 noon	Lisa Reimers NUMBER: Ex. 6 PII (Iliamna Village Council)	Extension	Rick	
July 5 noon	Trefon Angasan NUMBER: Work: 243-4669 Cell: Ex. 6 PII	Extension	Rick	
July 5 noon	Senator Maria Cantwell	No extension	Arvin,	

	NUMBER: Chief of Staff Katherine Lister, DC: 202-224-3441		Dennis, Bill	
July 5 noon	Following tribes and tribal entities: <ul style="list-style-type: none"> • Curyung Tribal Council (907) 842-2384 • Ekwok Village Council (907) 464-3387 • Levelock Village Council (907) 287-3030 • Village of Levelock • Village of Ekwok • Nunamta Aulukestai (907) 842-4404 	No extension	Rick	
July 5 noon	Bristol Bay Native Corporation: Jason Metrokin NUMBER: Ex. 6 PII	No extension	Dennis	
July 5 noon	Trout Unlimited: Wayne Nastri NUMBER: Ex. 6 PII	No extension	Dennis	
July 5 noon	Bryce Edgmon, AK state legislator NUMBER: 907-465-4451, 907-269-0275	No extension	Rick	
July 5, 2:30pm	Listserv message using desk statement	N/A	Judy	

List of Requesters

Requests received to extend public comment period:

- State of Alaska – Request to extend 120 days
- Senator Murkowski – Request to extend 120 days
- Representative Young - Request to extend 120 days
- South Naknek Tribe – Request to extend until October 2012
- Pebble Limited Partnership – Request to extend 120 days
- Alaska Peninsula Corporation – Request to extend at least 60 days
- National mining Association – Request to extend 120 days
- Pedro Bay Corporation – Request extension
- Newhalen Tribal Council – Request comment period begin October 2012
- Larry Hill – Request to extend 120 days
- Ilaimna Village Council – Request extension to October 2012
- Northwest Mining Association – Request to extend 120 days

Requests received not to extend public comment period:

- Senator Cantwell
- Dallas Safari Club
- Back Country Hunters and Anglers
- Bull Moose Sportsmen's Alliance

- Campfire Club of America
- Curyung Tribal Council Member
- Curyung Tribal Council
- Delta waterfowl Foundation
- American Sportfishing Association
- American Fly Fishing Trade Association
- William Maines, Curyung Tribal member
- Bryce Edgmon, Alaska State Legislator
- Bristol Bay Regional Seafood Development Association
- Alaska Independent Fishermen's Marketing Association
- Bristol Bay Native Corporation
- Ekwok Village Council
- Levelock Village Council
- Nunampta
- Trout Unlimited
- Delta Waterfowl (email to Rick Parkin)
- Village of Levelock
- Village of Ekwok